REMARKS

The rejections presented in the Office Action dated January 27, 2005 have been considered. Claim 6 is amended to correct a typographical error. Claims 1-20 remain pending in the application. Reconsideration and allowance of the application are respectfully requested.

Claim 1 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed because the claim is thought to be reasonably clear as written. The preamble says that the terminal arrangement hosts one or more non-payment applications, and the EFTPOS address is assigned via a non-payment application. Thus, one skilled in the art would understand the meaning of the claims, and specifying "how" a step is accomplished is not thought to be necessary.

The Office Action fails to establish that claims 1-6 and 19-20 are unpatentable under 35 USC §103(a) over "Nguyen" (US patent number 6,304,915 to Nguyen et al.) in view of "Blevin" (US patent number 5,502,438 to Blevin). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Nguyen with teachings of Blevin, and fails to show that the combination could be made with a reasonable likelihood of success.

The claim limitations relate to communicating between an EFTPOS terminal arrangement and a data processing system. In claim 1 the limitations include receiving at the terminal arrangement a data set that includes an address identifier associated with an EFTPOS terminal in the terminal arrangement. The terminal arrangement converts the address identifier to an EFTPOS address of the EFTPOS terminal in the terminal arrangement. The data set may then be directed to the EFTPOS terminal referenced by the EFTPOS address. This addressing indirection as applied to the EFTPOS terminals provides control over those external DPSs allowed to communicate with the EFTPOS terminals (spec. p. 14, ll. 6-10). This control may be desirable because EFTPOS terminals are used to communicate with the DPSs of financial institutions, and in some applications it may be desirable to

allow DPSs of other entities (e.g., product and service vendors) to also communicate with the EFTPOS terminals. The address conversion provides control over which external DPSs are allowed to address the EFTPOS terminals. The cited portions of the Nguyen-Blevin combination neither teach nor suggest the claim limitations.

For example, the Office Action interprets Blevin's Abstract; Figs. 1 and 3; col. 1, l. 35-62; col. 2, l. 1 – col. 3, l. 52, and Blevin's claims as teaching the limitations of assigning an EFTPOS address to an EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement; and converting the address identifier to the EFTPOS address assigned to the EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS. These cited portions of Blevins do not teach these limitations. Rather, the cited portions appear to be limited to teaching that a site interface unit (FIG. 1, #15) assigns addresses to remote terminals at a site based on serial numbers of the terminals. There is no apparent teaching by Blevin that central office terminal (FIG. 1, #10) uses one address to address remote terminals 11-14, and that the site interface unit does any conversion of addresses. Blevin's central office terminal may use the same address assigned by the site interface unit to address remote terminals and would not need any address conversion. Thus, Blevin is not shown to teach that the address identifier provided by an external DPS is converted to an EFTPOS address for the addressed terminal.

The Office Action further cites Nguyen's FIG. 56B, #5654 and col. 62, l. 41 – col. 63, l. 36 as teaching the limitations of receiving from an external DPS a first data set with an address identifier of an EFTPOS. Nguyen describes a terminal identifier in a request for authorization or sale (col. 94, ll. 37-41). However, Nguyen's disclosure deals with secure transmission of data from a customer computer system to a merchant computer system and from a merchant computer system to a payment gateway (Abstract). Nguyen's request is apparently received from a VPOS. Thus, there is no apparent description of processing a data set received from an external DPS and directed to an EFTPOS terminal.

The Office Action does not show that Nguyen teaches receiving a data set with an address identifier. However, assuming for discussion purposes that the cited teaching of Nguyen teaches these limitations, the Office Action is further deficient because there is no showing made that Nguyen converts this terminal ID into an

EFTPOS terminal address as claimed. The other cited teachings of Nguyen (col. 57, l. 53 – col. 58, l. 44; claim 9) have no apparent relevance to converting a terminal ID.

The Nguyen reference is further inapplicable because the claim limitations clearly set out that the process relates to an EFTPOS terminal and terminal arrangement. However, the cited teachings of Nguyen are in the context of a virtual point of sale (VPOS) terminal, not an EFTPOS (col. 24, ll. 13-19; FIG. 17; FIG. 22).

For at least the reasons set forth above, the Office Action fails to show that claim 1 is unpatentable over the Nguyen-Blevin combination.

Claims 2-4 depend from claim 1 and are not show to be unpatentable over the Nguyen-Blevin combination for at least the reasons set forth above. In addition, the arguments presented in the response to the previous Office Action are applicable in regards to the cited teachings of Nguyen and are maintained in this response.

Claim 5 is an apparatus claim in means plus function format. The Office Action does not show that the functions of claim 5 are shown or suggested by the Nguyen-Blevin combination for at least the reasons set forth above in regards to claim 1 and for the reasons set forth in the response to the previous Office Action.

Claim 6 depends from claim 5 and is not shown to unpatentable over the Nguyen-Blevin combination for at least the reasons set forth above and the reasons set forth in the response to the previous Office Action.

As to claims 19 and 20, the Office Action does not establish that the claims are unpatentable over the Nguyen-Blevin combination for the reasons set forth above for claim 1. In addition, the further limitations of claims 19 and 20 that are not in claim 1 are not shown to be suggested by Nguyen, as explained below in regards to claims 7 and 11.

The alleged motivation for modifying the teachings of Nguyen with Blevin is improper. The alleged motivation states that "it would have been obvious ... to combine disclosures of Nguyen and Blevin to assign terminal a unique number which is different than the terminal number." This alleged motivation is improper because it is simply a conclusion without any supporting evidence. No evidence is presented to indicate that Nguyen does not do a satisfactory form of assigning a terminal number or does not assign any terminal number. Nor is any evidence presented to indicate how Nguyen's approach would benefit from such a modification. Therefore the alleged motivation is improper.

The rejection of claims 1-6 and 19-20 over the Nguyen-Blevin combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination, fails to provide a proper motivation for combining the references, and fails to show that the combination could be made with a reasonable likelihood of success.

Claims 7-9, 11-14, and 17-18 stand rejected under 35 USC §103(a) as being unpatentable over Nguyen. The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Nguyen, and fails to show that the modification could be made with a reasonable likelihood of success.

Claim 7 includes a proxy server that is configured to receive sets of data from the vendor application via the non-secure channel and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel. The Office Action does not recognize these limitations in alleging that Nguyen anticipates claim 7. The claim limitations clearly indicate that the proxy server receives sets of data via a non-secure channel and transmits the data sets to the EFTPOS terminals. However, the cited portions of Nguyen appear to show that a gateway receives requests *from* VPOSs and transmits the requests *to a host* (FIG. 22). Thus, Nguyen clearly does not show receiving the data sets from a vendor application and then transmitting the data sets to the EFTPOSs. Furthermore, the Office Action does not present any evidence of a motivation to modify Nguyen to include these limitations.

Claims 8 and 9 depend from claim 7 and include further limitations of the proxy server being configured to perform operations as described above for claim 1. Thus, the Office Action does not show that claims 8 and 9 are unpatentable over Nguyen for at least the reasons set forth above for claims 7 and 1.

The Office Action does not show that claim 11 is unpatentable over Nguyen for at least the reasons set forth above for claim 7.

As to claims 12, 13, and 14, which depend from claim 11, the proxy server is configured to process data according to various limitations of claim 1. Thus, the Office Action does not show that claims 12-14 are unpatentable for the reasons set forth above for claims 1 and 11.

Claim 17 depends from claim 11 and includes limitations of at least one of the plurality of terminals further comprising an interface module that is configured and arranged to facilitate wireless communications between a mobile communications device and the proxy server. However, none of the cited portions of Nguyen (Abstract, FIG. 23, col. 76, l. 5 – col. 77, l. 64) appear to teach or suggest an interface module in a terminal to facilitate wireless communications. Therefore, the Office Action does not show that claim 17 is unpatentable. If the rejection is maintained, a citation to relevant teachings of Nguyen is respectfully requested.

As to claim 18, it depends from claim 11 and the limitations include the proxy server being configured and arranged to host one or more payment applications for accessing the financial application of the DPS of the financial institution via the first secure channel, the proxy server is further configured to host one or more non-payment applications for accessing the vendor application of the DPS of the vendor, wherein the payment and non-payment applications of the proxy server are reconfigurable to change the transmission and reception of data sets within the EFTPOS system. The Office Action apparently relies upon Nguyen's gateway as meeting the limitations of the claimed proxy server. However, there is no apparent teaching that Nguyen's gateway hosts any non-payment applications as claimed. Thus, claim 18 is not shown to be unpatentable over Nguyen.

The rejection of claims 7-9, 11-14 and 17-18 over Nguyen be withdrawn because the Office Action fails to show all the limitations are suggested by the Nguyen, fails to provide any motivation for modifying Nguyen to achieve the

limitations of claims 7-9, 11-14 and 17-18, and fails to show that the modifications could be made with a reasonable likelihood of success.

The Office Action does not show that claims 10 and 15-16 are unpatentable under 35 USC §103(a) over Nguyen as applied to claims 7 and 8, in view of "Ketcham" (US patent number 6,075,860 to Ketcham). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Nguyen with teachings of Ketcham, and fails to show that the combination could be made with a reasonable likelihood of success.

Claim 10 depends from claim 8, which depends from claim 7, and includes further limitations of an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals and configured and arranged to facilitate wireless communication between a mobile communications device and the proxy server. These limitations are not shown to be suggested by Ketcham. Ketcham teaches authenticating an authorized user of a remote terminal attempting to interconnect with a computer network over a wireless modem (Abstract). There is no apparent suggestion of wireless communication in the context of a proxy server configured and arranged to be coupled to the plurality of EFTPOS terminals and to receive sets of data from the vendor application via the non-secure channel and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel (claim 7).

The alleged motivation for modifying Nguyen with teachings of Ketcham is improper. The alleged motivation states that "it would have been obvious ... to combine disclosures Nguyen, Blevin and Ketcham to provide wireless mobile terminal which can authenticate authorized user of remote terminals." This alleged motivation is improper because no evidence is presented to support providing these capabilities in Nguyen. The Office Action states only a conclusion without providing any evidence to show that Nguyen lacks authentication or evidence to show that Nguyen would accommodate wireless mobile terminals.

Claims 15 and 16 depend from claim 10 and are not shown to be unpatentable over the Nguyen-Ketcham combination for at least the reasons set forth above.

The rejection of claims 10 and 15-16 over the Nguyen-Ketcham combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination, fails to provide a proper motivation for combining the references, and fails to show that the combination could be made with a reasonable likelihood of success.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.046).

Respectfully submitted,

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